

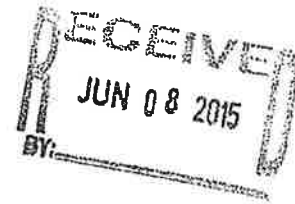


PAUL WHITE,
Plaintiff

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA

VS.

NO. 11658-2015



DONJON SHIPBUILDING AND
REPAIR, LLC, DONJON MARINE
CO., INC. And SEAJON II, LLC,

Defendants

WRIT OF SUMMONS

To: DONJON SHIPBUILDING AND REPAIR, LLC, DONJON MARINE CO., INC. And
SEAJON II, LLC,

You are hereby notified that the above-named plaintiff has commenced an action against
you.

Copies of all pleadings filed should be served upon plaintiff(s) counsel:

Timothy D. McNair, Esq.
Attorney for Plaintiff
821 State Street
Erie, PA 16501
(814) 452-0700

Kenneth J. Gamble, Clerk of Records
Prothonotary Division

Dated: June 3, 2015

By: 
Elena Stover, Deputy

PAUL WHITE,
Plaintiff,

v.

DONJON SHIPBUILDING AND
REPAIR, LLC, DONJON MARINE
CO., INC. and SEAJON II, LLC,
Defendants.

IN THE COURT OF COMMON PLEAS
ERIE COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

No. 11658-15

CLERK OF RECORDS
PROTHONOTARY

2015 JUN -2 PM 3:49

COMMON PLEAS COURT
ERIE, PA

MOTION FOR PRE-COMPLAINT DISCOVERY

NOW COMES the Plaintiff, Paul White, by and through his attorneys, McNair Law Offices, PLLC and Timothy D. McNair, Esquire, and respectfully moves this Honorable Court for Pre-Trial Discovery against Defendants, respectfully representing:

1. Plaintiff is Paul White, a resident of Phillipsburg, New Jersey. Plaintiff is normally employed as a Marine Electrician, and, on September 24, 2014, sustained serious and disabling injuries when injured aboard a tugboat, *The Yankee*, as the result of the negligence of the owner.
2. At the time he was injured, Plaintiff was employed through an agency, Top Hand, LLC, located in Erie, Pennsylvania.
3. Counsel for the employment agency has informed Plaintiff that Defendant, Donjon Shipbuilding and Repair, LLC, investigated the circumstances of the accident and is in possession of statements and photographs concerning the occurrence. Despite requests, Donjon Shipbuilding and Repair, LLC, has failed and refused to provide copies of the investigative materials, or permit access to them.
4. An internet search concerning the vessel, *The Yankee*, has yielded information that the vessel is owned by Defendant, Donjon Marine Co., Inc. Counsel for Plaintiff has been informed by an individual identifying himself as Paul Witte, Esquire,

General Counsel for Donjon Marine Company, Inc., that Donjon did not own the vessel on September 24, 2014. Mr. Witte has refused to, without a Court Order, identify the purported purchaser of the vessel or provide any verification of the date it was sold.

6. A further internet search indicates that the vessel may now be owned by an entity called "Seajon II, LLC," thought to be a Delaware limited partnership between Donjon Marine Co., Inc. And Seacor, Inc. That entity appears to have as its only address "c/o Corporation Service Company, 2711 Centerville Rd., Suite 400, Wilmington, DE 19808."

5. The information sought is necessary to identify the proper Defendant for Plaintiff's action pursuant to 33 U.S.C. § 905 (b) to recover for his injuries and losses, as well as to reimburse the State Worker's Insurance Fund, Top Hand, LLC's insurance, Longshore and Harbor Workers Compensation, Insurer, who may be entitled to subrogation against any personal injury claim Plaintiff may bring.

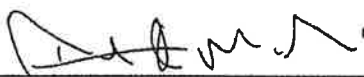
6. Plaintiff is not able to file an appropriate complaint in this matter because he has been threatened with legal action and sanctions if he incorrectly names Donjon Marine Co., Inc., as the owner of the vessel. However, since Donjon Marine Co., Inc., was the owner of the vessel, as admitted by its counsel, and claims to have sold it, but refuses to identify the entity to which it sold the vessel, or verify the date on which it was sold, it is not unreasonable to seek an Order from the Court ordering Donjon Marine Co., Inc. to provide that information.

WHEREFORE, Plaintiff respectfully moves for an Order authorizing Pre-Complaint Discovery in this matter. Said discovery to consist of:

1. Interrogatories and production of documents relating to the purchase by Donjon Marine Co., Inc. and the alleged sale by Donjon Marine Co., Inc. of the vessel, *The Yankee*;
2. Copies of all investigative materials and records of Donjon Shipbuilding and Repair, LLC concerning the work done on the *Yankee* and the incident of September 24, 2014, when the Plaintiff suffered his injuries.

Respectfully submitted,

MCNAIR LAW OFFICES, PLLC

By: 
Timothy D. McNair, Esquire
Attorney for Plaintiff
821 State Street
Erie, Pennsylvania 16501
(814) 452-0700

PAUL WHITE,
Plaintiff,

v.

DONJON SHIPBUILDING AND
REPAIR, LLC, DONJON MARINE
CO., INC. and SEAJON II, LLC,
Defendants.

: IN THE COURT OF COMMON PLEAS
: ERIE COUNTY, PENNSYLVANIA
:

: CIVIL ACTION - LAW
:

: No.
:

ORDER

AND NOW, to-wit this _____ day of June, 2015, upon consideration of the foregoing Motion for Pre-Complaint Discovery, it is ORDERED that said Motion shall become and is hereby GRANTED.

Plaintiff is authorized to conduct the discovery requested.

BY THE COURT:

J.

LAW OFFICES OF

Timothy D. McNair

ATTORNEY AND COUNSELOR AT LAW

821 STATE STREET
ERIE, PENNSYLVANIA 16501

OF THE RETURN ADDRESS FOLD AT DOTTED LINE
CERTIFIED MAIL



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Via certified mail
Donjon Marine Co., Inc.
100 Central Ave.
Hillside, NJ 07205



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